

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SEAN NIKKI RICHARDSON,

Defendant-Appellant.

UNPUBLISHED
September 18, 2001

No. 223179
St. Clair Circuit Court
LC No. 99-000495-FC

Before: K. F. Kelly, P.J., and Hood and Zahra, JJ.

MEMORANDUM.

Defendant, fourteen years old at the time, was convicted, following a bench trial, of two counts of first-degree, criminal sexual conduct MCL 750.520b(1)(A) and one count of second-degree criminal sexual conduct, MCL 750.520c(1)(A), for assaulting his nine-year-old half sister. He was sentenced to two concurrent seven- to twenty-year terms for each of the two CSC I counts, and seven to fifteen years for the CSC II count. He appeals as of right, challenging MCL 769.1's allowance of adult sentences for juveniles, and his resultant adult sentences. Defendant contends that the statute providing for his adult sentences violates the separation of powers doctrine by usurping judicial discretion to modify juvenile sentences and violates equal protection by creating a classification based on age and type of offense. We disagree, and affirm.

Whether a statute is constitutional is a question of law reviewable de novo. *Citizens for Uniform Taxation v Northport Public School Dist*, 239 Mich App 284, 287; 608 NW2d 480 (2000), rec den 462 Mich 899 (2000), cert den ___ US ___; 121 S Ct 484; 148 L Ed 2d 457 (2000). Defendant's two claims of error will be discussed together. MCL 769.1 and MCL 764.1f, read together, authorize a prosecutor to charge a juvenile as an adult and require the trial court to then administer an adult sentence for enumerated offenses. The trial court in this case properly withheld judgment on and ultimately denied defendant's motion challenging the constitutionality of MCL 769.1 because a similar factual and identical legal issue was then pending before this Court. That case was *People v Conat*, 238 Mich App 134; 605 NW2d 49 (1999) – notably denied leave by our Supreme Court in 461 Mich 1013 (2000) – where this Court held that MCL 769.1 does not violate state or federal separation of powers or equal protection doctrines. *Conat*, *supra* at 152-153, 157.

Stare decisis requires courts to reach the same result in one case on the same or largely similar factual and legal issues as in another case. *Topps-Toeller, Inc v Lansing*, 47 Mich App 720, 729; 209 NW2d 843 (1973). As we held in *Conat, supra* at 152-153, 155-157, MCL 769.1 does not violate the separation of powers doctrine or equal protection principles, and defendant has raised no new legal arguments in this respect.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Harold Hood

/s/ Brian K. Zahra